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AUG 24 2005

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**TO:**

Name: Mail Stop AMENDMENT  
Art Unit 3731/Examiner Uyen Ho

**FROM:**

Name: Amedeo F. Ferraro

Firm: U.S. Patent & Trademark Office

Phone No.: 310-286-9800

Fax No.: 571-273-8300

No. of Pages (including this): 20

Subject: U.S. Patent Application No. 10/664,498

Date: August 24, 2005

Gary Karlin Michelson

Confirmation Copy to Follow: NO

Filed: September 19, 2003

OSTEOGENIC PACKING DEVICE AND METHOD

Attorney Docket No. 102.0003-09000

Customer No. 22882

Confirmation No.: 4672

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**Message:**

CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$800.00 total amount to cover the \$120.00 one-month extension fee, the \$180.00 IDS fee, and \$500.00 additional claims fee is to be charged to Deposit Account No. 50-1068), Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449, and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on August 24, 2005.

Todd M. Martin

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FORM PTO-1083

AUG 24 2005

Attorney Docket No.: 102.0003-09000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary KarlIn Michelson

Serial No: 10/664,498

Filed: September 19, 2003

For: OSTEOGENIC PACKING DEVICE AND  
METHOD

Confirmation No.: 4672

Art Unit: 3731

Examiner: Uyen Ho

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated May 6, 2005 in the above-identified application.

No additional fee is required.  
 Applicant hereby requests a one-month extension of time to respond to the above office action.  
 An Information Disclosure Statement Under 37 C.F.R. 1.97(c) with Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

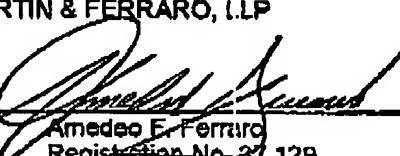
|   | (Col. 1)<br>CLAIMS REMAINING<br>AFTER AMENDMENT |   | (Col. 2)<br>HIGHEST NUMBER<br>PREVIOUSLY PAID FOR | (Col. 3)<br>PRESENT<br>EXTRA* | LG/SM<br>\$ ENTITY FEE |  | ADDP'L<br>FEE DUE |
|---|---|---|---|-------------------------------|------------------------|--|-------------------|
| TOTAL CLAIMS FEE                                | 50  | - | 20  | --                            | 0                      | LG=\$50<br>SM=\$25                                   | \$50              |
| INDEPENDENT<br>CLAIMS FEE                       | 3   | - | 3   | --                            | 0                      | LG=\$200<br>SM=\$100                                 | \$200             |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS |   |   |   |                               |                        | LARGE ENTITY FEE = \$360<br>SMALL ENTITY FEE = \$180 | \$ 0              |
|   |   |   |   |                               |                        | TOTAL  | \$ 500            |

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

A fee in the total amount of \$800.00 to cover the \$120 one-month extension of time fee, the \$180 IDS fee, and \$500 additional claims fee is to be charged to Deposit Account No. 50-1068.  
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. A copy of this sheet is enclosed.  
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims  
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

By:

  
Amadeo F. Ferraro  
Registration No. 37,129

Date: August 24, 2005

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PATENT  
Attorney Docket No. 102.0003-09000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 4672  
Gary Karlin Michelson )  
Serial No.: 10/664,498 ) Group Art Unit: 3731  
Filed: September 19, 2003 ) Examiner: Uyen Ho  
For: OSTEOGENIC PACKING DEVICE )  
AND METHOD )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Office Action dated May 6, 2005, the period for reply having been extended for one month by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Amendments to the Drawings** begin on page 6 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 7 of this paper.

An Appendix including amended drawing figures is attached following page 12 of this paper.

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08/25/2005 JBALINAN 00000041 501068 10664498

03 FC:1202 500.00 DA

Amendment 8-24-05.doc